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May 3, 2021

VIA ECF FILING

The Honorable Analisa Torres
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In re Sakab Saudi Holding Co.*, No. 21-mc-176 (S.D.N.Y.)

Dear Judge Torres:

We represent the applicants in this action brought pursuant to 28 U.S.C. § 1782. We submit this letter as a joint letter with counsel to New East (US) Inc., New East 804 805 LLC, New East Back Bay LLC, New East DC LLC (the “New East Entities”), which have filed a motion for leave to file a motion to intervene and vacate the Court’s order granting discovery under Section 1782.

On February 11, 2021, applicants filed an application for discovery pursuant to 28 U.S.C. § 1782. (Dkt. No. 1.) On April 21, 2021, the Court granted the application (the “April 21 Order”) and authorized service of subpoenas to Citibank NA, HSBC Bank USA NA, Cadwalader, Wickersham & Taft LLP, and Jonathan Wainwright, Esq. (the “Subpoena Recipients”). (Dkt. No. 9.) Applicants served those subpoenas on April 22, 2021. On April 29, 2021, the New East Entities filed a motion for leave to file a motion to intervene and to vacate the April 21 Order. (Dkt. No. 15.)

Based on the New East Entities’ motion and discussions among counsel, on April 30, 2021, we sent letters to the Subpoena recipients directing them to refrain from producing documents responsive to the Subpoena until the motion has been decided by the Court but that the Subpoena recipients should prepare to produce such documents in the event that the New East Entities’ motion is denied.

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We have conferred with counsel to the New East Entities and have agreed, as follows, in regard to further litigation in this action:

- Applicants do not oppose the New East Entities' motion to intervene in this action. However, Applicants will oppose the New East Entities' proposed motion to vacate the Court's April 21 Order for reasons set forth in applicants' application and supporting papers, (Dkt. Nos. 3-5), the Court's April 21 Order, (Dkt. No. 9), and for reasons that will be set forth in our memorandum of law and supporting materials in opposition to the New East Entities' motion.¹
- Subject to the Court's approval, counsel for applicants and the New East Entities have agreed on the following proposed briefing schedule regarding the New East Entities' proposed motion to vacate the April 21 Order: applicants will file opposition papers on or before **May 17, 2021**, and the New East Entities will file reply papers on or before **May 28, 2021**.

Respectfully submitted,

/s/ Jonathan S. Sack

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cc: Counsel of Record (via ECF)

¹ In the proposed motion to vacate the Court's April 21 Order, the New East Entities also seek a stay of discovery until a separate Massachusetts litigation is concluded. Applicants oppose the requested stay as well as the requested vacatur of the April 21 Order.